

House Bill 1530 (AS PASSED HOUSE AND SENATE)

By: Representative Jamieson of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To provide a homestead exemption from Stephens County ad valorem taxes for county
2 purposes for residents of that county who are disabled veterans or their unremarried surviving
3 spouses, if deceased, on a current or subsequent homestead; to provide for definitions; to
4 specify the terms and conditions of the exemption and the procedures relating thereto; to
5 provide for applicability; to provide for a referendum, effective dates, and automatic repeal;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 (a) As used in this Act, the term:

10 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
11 purposes levied by, for, or on behalf of Stephens County, including, but not limited to,
12 ad valorem taxes to pay interest on and to retire county bonded indebtedness.

13 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
14 the O.C.G.A., as amended.

15 (b) As used in this section, the term "disabled veteran" means:

16 (1) A wartime veteran who was discharged under honorable conditions and who has been
17 adjudicated by the Department of Veterans Affairs of the United States as being totally
18 and permanently disabled and entitled to receive service connected benefits so long as he
19 or she is 100 percent disabled and receiving or entitled to receive benefits for a 100
20 percent service connected disability;

21 (2) An American veteran of any war or armed conflict in which any branch of the armed
22 forces of the United States engaged, whether under United States command or otherwise,
23 and that he or she is disabled due to the loss or loss of use of both lower extremities such
24 as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; due
25 to blindness in both eyes, having only light perception, together with the loss or loss of

1 use of one lower extremity; or due to the loss or loss of use of one lower extremity
2 together with residuals of organic disease or injury which so affect the functions of
3 balance or propulsion as to preclude locomotion without resort to a wheelchair;

4 (3) Any disabled veteran who is not entitled to receive benefits from the Department of
5 Veterans Affairs but who qualifies otherwise, as provided for by Article VII, Section I,
6 Paragraph IV of the Constitution of Georgia of 1976;

7 (4) An American veteran of any war or armed conflict who is disabled due to loss or loss
8 of use of one lower extremity together with the loss or loss of use of one upper extremity
9 which so affects the functions of balance or propulsion as to preclude locomotion without
10 the aid of braces, crutches, canes, or a wheelchair; or

11 (5) A veteran becoming eligible for assistance in acquiring housing under Section 2101
12 of Title 38 of the United States Code as hereafter amended on or after July 1, 1999.

13 (c) Any disabled veteran as defined in any paragraph of subsection (a) of this section who
14 is a resident of Stephens County is granted an exemption of the greater of \$32,500.00 or the
15 maximum amount which may be granted to a disabled veteran under Section 2102 of Title
16 38 of the United States Code, as amended, on his or her homestead which such veteran owns
17 and actually occupies as a residence and homestead, such exemption being from all ad
18 valorem taxation for county purposes. As of January 1, 2006, the maximum amount which
19 may be granted to a disabled veteran under Section 2102 of Title 38 of the United States
20 Code, as amended, is \$50,000.00. The value of all property in excess of the exempted amount
21 cited above shall remain subject to taxation. The unremarried surviving spouse or minor
22 children of any such disabled veteran as defined in this section shall also be entitled to an
23 exemption of the greater of \$32,500.00 or the maximum amount which may be granted to a
24 disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, on
25 the homestead with respect to which the exemption was granted to such disabled veteran, or
26 any subsequent homestead, so long as the unremarried surviving spouse or minor children
27 continue actually to occupy the home as a residence and homestead, such exemption being
28 from all ad valorem taxation for county purposes. As of January 1, 2006, the maximum
29 amount which may be granted to the unremarried surviving spouse or minor children of any
30 such disabled veteran under Section 2102 of Title 38 of the United States Code, as amended,
31 is \$50,000.00. The value of all property in excess of such exemption granted to such
32 unremarried surviving spouse or minor children shall remain subject to taxation.

33 (d)(1) Any disabled veteran qualifying pursuant to paragraph (1) or (2) of subsection (a)
34 of this section for the homestead exemption provided for in this section shall file with the
35 tax commissioner or tax receiver a letter from the Department of Veterans Affairs or the
36 Department of Veterans Service stating the qualifying disability.

(2) Any disabled veteran qualifying pursuant to paragraph (3) of subsection (a) of this section for the homestead exemption provided for in this section shall file with the tax commissioner or tax receiver a copy of his or her DD Form 214 (discharge papers from his or her military records) along with a letter from a doctor who is licensed to practice medicine in this state stating that he or she is disabled due to loss or loss of use of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; due to blindness in both eyes, having only light perception, together with the loss or loss of use of one lower extremity; or due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair. Prior to approval of an exemption, a county board of tax assessors may require the applicant to provide not more than two additional doctors' letters if the board is in doubt as to the applicant's eligibility for the exemption.

(3) Any disabled veteran qualifying pursuant to paragraph (4) of subsection (a) of this section for the homestead exemption provided for in this section shall file with the tax commissioner or tax receiver a letter from a doctor who is licensed to practice medicine in this state stating the qualifying disability. Prior to approval of an exemption, a county board of tax assessors may require the applicant to provide not more than two additional doctors' letters if the board is in doubt as to the applicant's eligibility for the exemption.

(4) Any disabled veteran qualifying pursuant to paragraph (5) of subsection (a) of this section for the homestead exemption provided for in this section shall file with the tax commissioner or tax receiver a letter from the Department of Veterans Affairs or Department of Veterans Service stating the eligibility for such housing assistance.

(e) Each disabled veteran shall file for the exemption only once in the county of his or her residence. Once filed, the exemption shall automatically be renewed from year to year, except as provided in subsection (e) of this section. Such exemption shall be extended to the unremarried surviving spouse or minor children at the time of his or her death so long as they continue to occupy the home as a residence and homestead. In the event a disabled veteran who would otherwise be entitled to the exemption dies or becomes incapacitated to the extent that he or she cannot personally file for such exemption, the spouse, the unremarried surviving spouse, or the minor children at the time of the disabled veteran's death may file for the exemption and such exemption may be granted as if the disabled veteran had made personal application therefor.

(f) Not more often than once every three years, the county board of tax assessors may require the holder of an exemption granted pursuant to this section to substantiate his or her

1 continuing eligibility for the exemption. In no event may the board require more than three
2 doctors' letters to substantiate eligibility.

3 **SECTION 2.**

4 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
5 superintendent of Stephens County shall call and conduct an election as provided in this
6 section for the purpose of submitting this Act to the electors of Stephens County for approval
7 or rejection. The election superintendent shall conduct that election on the date of the
8 November, 2006, state-wide general election and shall issue the call and conduct that election
9 as provided by general law. The superintendent shall cause the date and purpose of the
10 election to be published once a week for two weeks immediately preceding the date thereof
11 in the official organ of Stephens County. The ballot shall have written or printed thereon the
12 words:

13 "() YES Shall the Act be approved which provides a homestead exemption from
14 Stephens County ad valorem taxes for county purposes for residents of that
15 () NO county for disabled veterans or their unremarried surviving spouses, if
16 deceased, on a current or subsequent homestead?"

17 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
18 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
19 such question are for approval of the Act, Section 1 of this Act shall become of full force and
20 effect on January 1, 2007. If the Act is not so approved or if the election is not conducted
21 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
22 be automatically repealed on the first day of January immediately following that election
23 date. The expense of such election shall be borne by Stephens County. It shall be the
24 election superintendent's duty to certify the result thereof to the Secretary of State.

25 **SECTION 3.**

26 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
27 its approval by the Governor or upon its becoming law without such approval.

28 **SECTION 4.**

29 All laws and parts of laws in conflict with this Act are repealed.